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Human rights situation in Palestine and other occupied Arab territories

Human rights in the occupied Syrian Golan

Report of the Secretary-General

Summary

The present report is prepared pursuant to Human Rights Council resolution 34/27 on human rights in the occupied Syrian Golan, in which the Council requested the Secretary-General to report on the matter to it at its thirty-seventh session.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 34/27, adopted on 24 March 2017, in which the Council called upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council. The Council recalled in particular Security Council resolution 497 (1981), in which it was decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and without international legal effect. The Security Council demanded that Israel rescind forthwith its decision.

2. In its resolution 34/27, the Human Rights Council requested the Secretary-General to bring the resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on the matter to the Council at its thirty-seventh session. The Council also decided that it would continue the consideration of the human rights violations in the occupied Syrian Golan at its thirty-seventh session.

II. Implementation of Human Rights Council resolution 34/27

3. On 5 December 2017, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to Human Rights Council resolution 34/27 and requesting information on any steps taken or envisaged concerning the implementation of the resolution. OHCHR did not receive a reply to the note verbale.

4. On the same day, OHCHR, on behalf of the Secretary-General, also addressed a note verbale to all permanent missions in Geneva to draw their attention to Human Rights Council resolution 34/27 and to request the Governments of Member States to provide information on any steps taken or envisaged concerning the implementation of the relevant provisions of the resolution. The Permanent Missions of the Syrian Arab Republic, the Russian Federation, Cuba and Iraq responded to that request by notes verbales.

5. Furthermore, on behalf of the Secretary-General and pursuant to the request of the Human Rights Council, OHCHR addressed a note verbale to the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations to bring to their attention Council resolution 34/27. OHCHR did not receive any replies thereto.

6. On 18 December 2017, the Permanent Mission of the Syrian Arab Republic addressed a note verbale to OHCHR, in which it stressed that, for the past 50 years in the occupied Syrian Golan, Israel, the occupying Power, has been violating international law, Security Council resolutions as well as provisions of the Fourth Geneva Convention. It renewed its call to the United Nations and to all Member States to pressure Israel to put an end to its occupation of the Syrian Golan and not to recognize any situation resulting from violations of international law by Israel, as the occupying Power. It also called on all Member States to refrain from providing any support to Israel, particularly in relation to current settlements or the establishment of new settlements, which could be used by Israel to reinforce its occupation of the Syrian Golan and perpetuate its violations of human rights of the Syrian residents there.

7. In its note verbale, the Syrian Arab Republic referred to the Secretary-General's report on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan (A/72/90-E/2017/71). The Syrian Arab Republic noted that the relevant paragraphs on the occupied Syrian Golan highlighted Israeli violations of the civil, political, economic, social and cultural rights of the Syrian residents, in particular with regard to the Israeli decision to impose its laws,

jurisdiction and administration in the occupied Syrian Golan since 1981. The Syrian Arab Republic also noted that the Secretary-General had indicated that Israeli practices and policies in the Occupied Palestinian Territory and in the occupied Syrian Golan violated international humanitarian and human rights law, and that some of them might be considered discriminatory. The Secretary-General had also stated that certain Israeli practices might amount to forcible transfer of protected persons, which could constitute a grave breach of the Fourth Geneva Convention.

8. The Syrian Arab Republic also referred to the 2017 report of the Director-General of the International Labour Organization (ILO) on the situation of workers of the occupied Arab territories (ILC.106/DG/APP), in which the Director-General noted attempts by Israel to foster the overall integration of the occupied Syrian Golan into Israel by delinking it from the Syrian Arab Republic, by isolating it and by increasing Israeli settlement activities therein. The ILO report states that Syrian farmers face competition from Israeli settlers, in the production of both apples and cherries, as the latter often benefit from higher yields and lower costs due to more capital-intensive farming methods and advantageous conditions in terms of water supply. Access to water supply, which is essential for agricultural activities in the occupied Syrian Golan, is limited for Syrian farmers due to the Israeli prohibition on building new wells. As a result, half of the water needed for farming has to be purchased from the Israeli water company. The report also states that settlers enjoy subsidized access to water and paid only about a third of what Syrian farmers have to spend on water.

9. In its note verbale, the Syrian Arab Republic stated that, for decades, Israel, the occupying Power, had been committing in a systematic manner violations of the human rights of the Syrian Arab population in the occupied Syrian Golan, including the right to development and to fundamental freedoms. Those violations include confiscation of land, establishment of Israeli military sites, and the construction and expansion of Israeli settlements. The Syrian Arab Republic noted that those practices aim at restricting movement and access to livelihoods, with a view to forcing Syrian residents of the occupied Syrian Golan off their lands. The Syrian Arab Republic stated that Israel used various means, such as the exploitation of occupied Syrian Golan natural resources, arbitrary detention and ill-treatment of detainees, to achieve its ends.

10. The Syrian Arab Republic referred to the expansion of settlements and residential units by Israel. It stated that, since August 2017, Israel has been carrying out controlled detonation of landmines in the occupied Syrian Golan as part of a plan to expand settlements in the cleared areas with a view to changing the demographic composition of the occupied Syrian Golan. It also stated that such policies constitute explicit violation of the civil, economic, social and cultural human rights, including the rights to work, to property, to freedom of movement and to preserve cultural and historical heritage, of the Syrian population of the occupied Syrian Golan.

11. The Syrian Arab Republic also referred to the Israeli policy of consolidating its occupation of the Syrian Golan and the Katzrin settlement, which was built over the ruins of three Syrian villages (Qazrin, Dawra and Shqef) that were destroyed in the 1970s. It further referred to recent statistics released by the so-called local council of the Katzrin settlement and stressed that there was a 30-per cent increase of Israeli settlers (from 6,300 in 2014 to 8,300 in 2017), adding that 150 Israeli families settle yearly in the occupied Syrian Golan. According to the Syrian Arab Republic, Israel continues to provide incentives in the form of financial aid to Israeli settlers and to increase the concentration of economic, cultural and scientific institutions in the occupied Syrian Golan with a view to turning Katzrin into the largest grouping of settlers since the beginning of the occupation. The Syrian Arab Republic indicated that, in 2018, Israel plans to construct 1,700 housing units and a 1,000-bed hotel in the Katzrin settlement as part of a project called "My Katzrin". It stated that Israel also plans to take control of additional land (approximately 10,000 m^2) in the industrial area of Katzrin settlement to be used by an Israeli company working in the field of biological technology.

12. Furthermore, the Syrian Arab Republic stated that Israel continued to pursue its "colonial" policy to surround villages in the occupied Syrian Golan by establishing two new districts in the Katzrin settlement, composed of 1,700 and 4,000 housing units each, with a view to increasing the number of settlers. It indicated that the settlement of Odem,

built on the lands and farms of the destroyed Syrian village of Jabab Almees, had been extended by the construction of an additional 23 farms and that 26 additional farms had been added to the settlement of Ain Zifan, built on the lands of the destroyed Syrian village of Ain al-Ziwan.

13. The Syrian Arab Republic mentioned that Israeli officials had made statements to the effect that the reinforcement of settlements was linked to the security of Israel and that the increase and expansion of the number of settlements, in particular in Katzrin, were among their priorities.

14. The Syrian Arab Republic underlined the discriminatory practices and restrictions imposed by Israel on Syrian inhabitants of the occupied Syrian Golan. It indicated that those practices threaten the existence of the Syrian population. For example, in the area of construction, Syrians face disproportionately high taxes when submitting requests for utility services.

15. According to the Syrian Arab Republic, Israel persists in violating the rights to housing and to property of Syrians in the occupied Syrian Golan. It stated as an example, that, in November 2017, Israel had demolished the private house of a Syrian citizen in Bakaata village.

16. The Syrian Arab Republic emphasized the violation of the sovereignty of Syrians over their natural resources and the violation of the rights to development and to water by Israel as a result of its practices, such as confiscation and exploitation of natural resources in the occupied Syrian Golan. Regarding water resources, the Syrian Arab Republic stated that the largest water reserve — Lake Masaada — in the occupied Syrian Golan had been confiscated by Israel and a disproportionate amount of water resources had been allocated to its settlers, to the detriment of Syrian farmers. It indicated that Israeli practices in connection with water in the occupied Syrian Golan are carried out through the Israeli company Mekorot, which channels water to Israeli settlers in the south of the occupied Syrian Golan. As another example of Israeli exploitation of natural resources, the Syrian Arab Republic referred to oil exploration carried out by Israel on 10 sites in the occupied Syrian Golan, which has uncovered substantial oil reserves.

17. The Syrian Arab Republic referred to violations of economic and social rights, including the rights to freedom of movement, to property and to work, the confiscation by Israel of approximately 28 per cent of the agricultural lands in the occupied Syrian Golan and the Israeli plan to establish 750 farming estates by 2018.

18. The Syrian Arab Republic provided information on violations of cultural rights, and indicated that Israel had approved, for the first time, a tourist route in the West Bank and the occupied Syrian Golan. According to the Syrian Arab Republic, this is aimed at marking Arab and Islamic archaeological sites as Israeli heritage, as part of its policy of "judaization".

19. The Syrian Arab Republic stated that Israel had deliberately violated the right to the highest attainable standard of physical and mental health of the Syrian population of the occupied Syrian Golan. It also stated that medical facilities in the occupied Syrian Golan were limited to first aid procedures, which forced the Syrian population to travel long distances in order to access adequate medical care, which could potentially endanger their life in emergency cases. It further stated that the Syrian residents of the occupied Syrian Golan also face discriminatory administrative practices in Israeli hospitals and are subjected to higher fees.

20. The Syrian Arab Republic stated that Israel has also violated the rights to education and to cultural heritage by imposing on Syrian children in the occupied Syrian Golan the Israeli education curriculum and the Hebrew language, thus preventing them from pursuing their education in Syrian universities. It added that those practices are aimed at restricting the freedom of movement of Syrian residents of the occupied Syrian Golan in violation of their civil rights.

21. The Syrian Arab Republic also stated that the practice by Israel of imposing Israeli identity cards on Syrian residents is in violation of their civil rights.

22. The Syrian Arab Republic further stated that Israel continued to conduct arbitrary arrests of Syrian residents of the occupied Syrian Golan and to detain them in prisons, where they are subject to ill-treatment, in violation of their civil and political rights and other basic freedoms. It stated that Syrian residents of the occupied Syrian Golan are subject to sham trials, such as the trial of Sidqi Al-Miqt, who was sentenced to 14 years of imprisonment in May 2017 because of his anti-occupation stance and his work in disclosing Israeli support to terrorist groups, including the Nusrah Front,[1] in the occupied Syrian Golan. It also stated that, in April 2017, Israel prevented Mr. Al-Miqt's family from visiting him, following a decision to suspend family visits to all detainees on hunger strike.

23. The Syrian Arab Republic provided information on arrests carried out by Israel on 3 November 2017 against Syrian residents of the occupied Syrian Golan, including in the villages of Majdal Shams and Qunia, following protests by residents of the terrorist attack carried out by the Nusrah Front against the Syrian village of Hadr, in which they said Israel had been involved. It added that Israel had facilitated the passage of Nusrah Front elements to attack the village.

24. In conclusion, the Syrian Arab Republic stressed that the Israeli decision to conduct local elections in 2018 in the occupied Syrian Golan, in violation of Syrian sovereignty and relevant Security Council resolutions, in particular resolution 497 (1981), constitutes a flagrant violation of the political rights of the Syrian population of the occupied Syrian Golan. It stated that residents of the occupied Syrian Golan reject the Israeli decision to hold the elections.

25. In a note verbale dated 21 December 2017, the Permanent Mission of the Russian Federation stated that it did not recognize any of the legislative or administrative measures or actions taken by Israel in the occupied Syrian Golan that contradicted Security Council resolution 242 (1967).

26. On 22 December 2017, the Permanent Mission of Cuba addressed a note verbale to OHCHR, in which it reiterated the importance of the efforts made by the United Nations to end the Israeli occupation of the Syrian Golan, and requested the international community not to recognize any of the legislative or administrative measures and actions taken by Israel, as referred to in Human Rights Council resolution 34/27.

27. Cuba stated that the acquisition of territory by force was a violation of international law and reiterated that steps taken or that could be taken by Israel to modify the legal status, physical character, demographic composition and institutional structure of the occupied Syrian Golan should be considered null and void.

28. Cuba called upon Israel to withdraw immediately from the Syrian Golan to the lines that existed on 4 June 1967, in compliance with Security Council resolutions 242 (1967) and 338 (1973). It also emphasized that Israel should renounce its "unrestrained attempts" to take over the occupied Syrian Golan. According to Cuba, foreign occupation, policies of expansion and aggression, the creation of settlements and the acquisition of territory by force were practices that violated international instruments and norms and had a negative impact on the human rights of the Syrian people, in particular those living in the occupied Syrian Golan.

29. Cuba rejected Israeli practices aimed at controlling and exploiting the natural resources of the occupied Syrian Golan, which, in its view, constitute a violation of the resolutions adopted by the Security Council and the General Assembly concerning the sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan.

[1] On 30 May 2013, the Nusrah Front was designated a terrorist group pursuant to Security Council resolution 1267 (1999). In July 2016, the Nusrah Front announced it was changing its name to Jabhat Fatah al-Sham (Front for the Conquest of the Levant). In January 2017, Jabhat Fatah al-Sham announced that it was merging with other smaller armed groups to form an alliance known as Hay'at Tahrir Al-Sham (Organization for the Liberation of the Levant).

30. Cuba vehemently condemned what it described as the violations of international humanitarian law committed by Israeli authorities in relation to Syrian detainees in the occupied Syrian Golan. It reiterated its profound concern at the continuing brutal practices, and expressed its concern at the "inhumane conditions" created by Israel.

31. Cuba stated that the Movement of Non-Aligned Countries had expressed its unconditional support and solidarity for what it described as the legitimate demand of the Syrian Arab Republic to its full sovereignty over the occupied Syrian Golan, on the basis of the Arab Peace Initiative and the Madrid peace process and the principle of land for peace, in conformity with relevant Security Council resolutions. It stated that the ongoing occupation of the Syrian Golan and its de facto annexation were obstacles to achieving fair, comprehensive and long-lasting peace in the region.

32. Cuba emphasized that the use of the occupied Syrian Golan by the State of Israel to interfere in the Syrian conflict, by permitting terrorists groups operating in Syria to use it as a base for carrying out attacks against the country, was a destabilizing factor. It stated that such actions obstructed the progress made by the Syrian army in its fight against terrorism and negatively impacted the implementation of the de-escalation zone created in the south of the country, and exacerbated the difficult humanitarian situation in the Syrian Arab Republic.

33. On 22 December 2017, the Permanent Mission of Iraq addressed a note verbale to OHCHR, in which it expressed its full support for Human Rights Council resolution 34/27 and called on all Member States to support it.

34. Iraq stressed that the measures taken by Israel, including the building and expansion of settlements in the Syrian Golan that it has occupied since 1967, to modify the legal status, urban character and demographic composition of the occupied Syrian Golan are null and void and represent a blatant violation of international law, of the United Nations Charter and of the resolutions of the organs of the United Nations.

35. Iraq called upon the international community to assume its responsibility under international law to put an end to the violations committed by Israel, including the exploitation of the natural resources of the occupied Syrian Golan, which violates the principle of the permanent sovereignty of peoples under occupation over their national resources.